

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

DR. JOHN D. WHELAN
Defendant

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CASE NO.: 21-cr-5 (BHL)

UNOPPOSED MOTION TO CONVERT IN PERSON HEARING TO A VTC HEARING

COMES NOW, the Defendant, by and through, his counsel, Meggan B. Sullivan and Ron Chapman, and files this Motion to Convert In Person Hearing to a VTC Hearing and in support thereof states as follows:

1. Attorney Ron Chapman is currently in a trial in the Eastern District of Michigan that is set to continue for at least two more weeks.
2. Attorney Meggan B. Sullivan has applied for admission to the Eastern District Court of Wisconsin as of the date of this filing and is awaiting admission.
3. Attorney Meggan B. Sullivan is expected to appear on behalf of Dr. Whelan on Tuesday, December 20, 2022. Attorney Sullivan secured a flight for the hearing from Nashville, TN on Southwest Airlines. She was unable to get a direct flight from Nashville to Milwaukee. The departing flight is from Nashville to Washington, D.C. and arriving in Milwaukee at 12:30 p.m. on December 20, 2022. The only returning flight is from Milwaukee to Denver at 6:30 p.m. and to Nashville the following day.
4. The National Weather Service has issued alerts for severe weather beginning Wednesday,

December 21, 2022. Attorney Sullivan fears she may get stranded in Denver, Colorado early Wednesday morning.

5. Undersigned counsel has consulted with the Government and there is no objection to converting the in person hearing to a VTC hearing. If the hearing was conducted by VTC, neither party intends to call any witnesses.

6. The parties agreed to the following stipulations for a VTC hearing:

- a. The transcript of Dr. Whelan post-search warrant interview is authentic and admissible. A transcript is attached for the Court's convenience.
- b. If the Court is inclined to remand Dr. Whelan for evaluation, he may do so by relying on the affidavits attached to the parties motions and the transcript, i.e.. such an order need not be grounded on an in-person hearing with live testimony. If the Court is not inclined to do so, the Court can rely on the evidence the defense has submitted without testimony.

Dated: December 13, 2022.

Respectfully Submitted,

CHAPMAN LAW GROUP

/s/ Ronald W. Chapman, II
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Defendant's Motion was filed and sent to Julie F. Stewart and Kevin Knight, Assistant United States Attorney, Office of the U.S. Attorney for Eastern District of Wisconsin, via the Court's CM/ECF system on December 19, 2022.

/s/ Ronald W. Chapman